

## Absent.

|             |          |
|-------------|----------|
| Cunningham. | Paulus.  |
| Holsey.     | Stokes.  |
| Hudspeth.   | Terrell. |
| Kellie.     | Veale.   |
| Masterson.  | Watson.  |

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.  
(Senator Stone in the chair.)

## ADJOURNMENT.

On motion of Senator Green, the Senate adjourned until tomorrow morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 6, A bill to be entitled "An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by the proclamation of the Governor,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Faust, Murray, Green, Skinner, Meachum, Barrett.

(Floor Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12th by proclamation of the Governor,"

Have had the same under consideration, and report it back to the Senate

with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Faust, Murray, Green, Skinner, Meachum, Barrett.

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by the proclamation of the Governor,"

And find the same correctly engrossed.  
BARRETT, Acting Chairman.

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by the proclamation of the Governor,"

And find the same correctly engrossed.  
BARRETT, Acting Chairman.

## FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
Thursday, April 18, 1907.

Senate met pursuant to adjournment.  
Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

|             |           |
|-------------|-----------|
| Alexander.  | Holsey.   |
| Barrett.    | Kellie.   |
| Brachfield. | Looney.   |
| Chambers.   | Mayfield. |
| Cunningham. | Meachum.  |
| Faust.      | Murray.   |
| Glasscock.  | Senter.   |
| Green.      | Skinner.  |
| Greer.      | Smith.    |
| Griggs.     | Stokes.   |
| Grinnan.    | Stone.    |
| Harbison.   | Watson.   |
| Harper.     | Willacy.  |

Absent.

Hudspeth. Terrell.  
Masterson. Veale.

Absent—Excused.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion on Senator Alexander, the same was dispensed with.

(See Appendix for committee reports.)

(President Pro Tem. Barrett, in the chair.)

### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 15, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversals on appeals."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Smith:

Senate bill No. 16, A bill to be entitled "An Act to regulate the practice in the district and county courts; the charge of the court; the waiver of errors; the granting of new trials in the trial and appellate courts, and with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Alexander and Senter:

Senate bill No. 17, A bill to be entitled "An Act to amend Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State to Texas, relating to verdicts of juries in misdemeanor cases in the district court."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Smith, Stone and Harper:

Senate bill No. 18, A bill to be entitled "An Act to authorize the district courts to employ a stenographer, to provide compensation therefor, and to repeal Chapter 112, page 209, General Laws of the Twenty-ninth Legislature, passed at its Regular Session, and with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Looney, Green, Skinner and Harper:

Senate bill No. 19, A bill to be entitled "An Act to amend Article 1043, Revised

Statutes, and to add thereto Article 1043a, regulating the certification of questions of law by the Courts of Civil Appeals to the Supreme Court in cases of conflict of decisions, and in cases of disagreement of the judges of a Court of Civil Appeals, and repealing Articles 1040 and 1041, Revised Statutes, and also repealing an act of the Twenty-sixth Legislature, approved May 9, 1899, entitled 'An Act to define the power and duties of the Courts of Civil Appeals of the several Supreme Judicial Districts of the State of Texas, where there is, or may be, a conflict of opinion by any of the said Courts of Civil Appeals on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases,' and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 20, A bill to be entitled "An Act to amend Article 1317, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Senter and Alexander:

Senate bill No. 21, A bill to be entitled "An Act to amend Articles 3229 and 3231, Title LXII, Chapter 11, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 22, A bill to be entitled "An Act to amend Article 723, Chapter 5, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, and as amended by an act of the Twenty-fifth Legislature, relating to appeal of criminal cases to the Court of Criminal Appeals of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Skinner, Looney and Alexander:

Senate bill No. 23, A bill to be entitled "An Act to provide for the appointment of a court stenographer to report cases, to make the report of such stenographer, when approved and filed, the basis for the statement of facts of the oral evidence in any cause where an appeal is taken; to prescribe the way and man-

ner in which statements of fact shall be made up, and to provide for the compensation of such stenographer, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Brachfield:

Senate bill No. 24, A bill to be entitled "An Act to compel telephone and telegraph companies to make connections with other telephone lines doing a like business."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Alexander:

Senate bill No. 25, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV, of the Revised Civil Statutes of 1895, relating to taxation, fixing penalties and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 26, A bill to be entitled "An Act to amend Article 1183, Chapter 2, Title XXX, of the Revised Civil Statutes of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Chambers (at request of Senator Terrell):

Senate bill No. 27, A bill to be entitled "An Act to amend Articles 5091, 5094, 5095, 5099, 5106, 5120, 5123 of Title CIV, Chapter 3, of the Revised Statutes of Texas of 1895, pertaining to the duties of tax assessors and their deputies and the assessment of property for taxation and the preparation of the tax rolls and other matter pertaining thereto, and adding to said title and chapter Articles 5153a, 5153b, 5153c, 5153d and 5153e, providing for penalties for the violation of the provisions of this act and the mode of enforcing the provisions of this act, and providing an emergency and amending Article 5098 of an act passed by the Twenty-fifth Legislature, Chapter 142, page 104 of the Acts of said Legislature, which was an amendment of Article 5098 of the Revised Statutes of Texas of 1895."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 28, A bill to be entitled "An Act to provide for the inspection of books, documents and papers, and tak-

ing copies thereof for use in suits in the courts of this State."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Glasscock:

Senate bill No. 29, A bill to be entitled "An Act to amend Article 5064, Chapter 2, Title XCIV, of the Revised Civil Statutes, relating to property subject to taxation, and the mode of rendering the same, and to define for purposes of taxation the meaning of the following words, as they appear in said chapter and title, viz.: True and full value, fair market value in cash, the prices that could be obtained therefor, at private sale, actual value, final valuation, valuation, its true and full value in money, fairly worth in money, fair voluntary sale for cash, its true and full value in money, at the full amount thereof, at the full value of the same so payable. The value of the current price of such property, at the place when payable. Shall be valued at the price that the person believes the same to be worth in money, which phases are set forth and mentioned in Articles 5073-5077, 5078, 5083 and 5088, Revised Civil Statutes, in said Chapter 2, Title XCIV, shall be construed to mean for the purpose of uniformity in rendition or assessing any and all property for taxation to be 50 per centum of the fair market value for which any such property is so assessed would sell for at a fair valuation at private sale, fixing the time of the assessment and valuation of such property between 1st of January up to the time of rendition for the year the same is assessed, with an emergency clause."

Read first time, and referred to Finance Committee.

By Senator Chambers:

Senate bill No. 30, A bill to be entitled "An Act providing for the appointment of official stenographers for district courts by the judges thereof in all districts, to report cases, and make the report of such stenographer, when filed, the statement of facts of all evidence, both oral and written, introduced in the trial of cases; to provide for the compensation of such stenographers, declaring an emergency, and repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature; also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Looney:

Senate bill No. 31, A bill to be entitled "An Act to simplify trials for the contest of local option elections, and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

#### SIMPLE RESOLUTION.

By Senator Griggs:

Be it resolved by the Senate, That members of the Senate may subscribe to three daily papers during this Special Session, to be paid out of the contingent expenses of the Senate.

GRIGGS.  
SMITH.

The resolution was read, and adopted. Morning call concluded.

#### SENATE BILL NO. 10.

On motion of Senator Looney, the pending business (Senate bill No. 4) was suspended, and the Senate took up, out of its order, Senate bill No. 10.

The Chair laid before the Senate, on second reading,

Senate bill No. 10, A bill to be entitled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court."

On motion of Senator Looney, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Looney, the committee report, which provided that the bill be not printed, was adopted.

(Lieutenant Governor Davidson in the chair.)

Bill read second time, and ordered engrossed.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third read-

ing and final passage by the following vote:

Yeas—25.

|             |           |
|-------------|-----------|
| Alexander.  | Kellie.   |
| Barrett.    | Looney.   |
| Brachfield. | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Murray.   |
| Faust.      | Senter.   |
| Glasscock.  | Skinner.  |
| Green.      | Smith.    |
| Greer.      | Stokes.   |
| Griggs.     | Stone.    |
| Grinnan.    | Watson.   |
| Harper.     | Willacy.  |
| Holsey.     |           |

Absent.

|            |          |
|------------|----------|
| Harbison.  | Terrell. |
| Hudspeth.  | Veale.   |
| Masterson. |          |

Absent—Excused.

Paulus.

The bill was read third time, and passed by the following vote:

Yeas—25.

|             |           |
|-------------|-----------|
| Alexander.  | Kellie.   |
| Barrett.    | Looney.   |
| Brachfield. | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Murray.   |
| Faust.      | Senter.   |
| Glasscock.  | Skinner.  |
| Green.      | Smith.    |
| Greer.      | Stokes.   |
| Griggs.     | Stone.    |
| Grinnan.    | Watson.   |
| Harbison.   | Willacy.  |
| Harper.     |           |

Absent.

|            |          |
|------------|----------|
| Holsey.    | Terrell. |
| Hudspeth.  | Veale.   |
| Masterson. |          |

Absent—Excused.

Paulus.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 4.

The Chair laid before the Senate, as pending business and on second reading,

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing

rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners and providing penalties for violation thereof, and declaring an emergency."

Senator Murray moved that the Senate rule requiring committee reports to lie over for one day be suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—21.

|            |           |
|------------|-----------|
| Alexander. | Mayfield. |
| Chambers.  | Meachum.  |
| Faust.     | Murray.   |
| Glasscock. | Senter.   |
| Green.     | Skinner.  |
| Greer.     | Smith.    |
| Griggs.    | Stokes.   |
| Grinnan.   | Stone.    |
| Harbison.  | Watson.   |
| Harper.    | Willacy.  |
| Holsey.    |           |

Nays—4.

|             |             |
|-------------|-------------|
| Barrett.    | Cunningham. |
| Brachfield. | Looney.     |

Absent.

|            |          |
|------------|----------|
| Hudspeth.  | Terrell. |
| Kellie.    | Veale.   |
| Masterson. |          |

Absent—Excused.

Paulus.

On motion of Senator Murray, the committee report, which provided that the bill be not printed, was adopted.

Pending discussion on the bill, Senator Harbison moved that further consideration of the bill be postponed until tomorrow morning at the conclusion of the morning call.

The motion was lost by the following vote:

Yeas—6.

|            |           |
|------------|-----------|
| Barrett.   | Harbison. |
| Faust.     | Kellie.   |
| Glasscock. | Smith.    |

Nays—18.

|             |         |
|-------------|---------|
| Alexander.  | Greer.  |
| Brachfield. | Griggs. |
| Chambers.   | Harper. |
| Cunningham. | Holsey. |
| Green.      | Looney. |

Meachum.  
Murray.  
Senter.  
Skinner.

Stokes.  
Stone.  
Watson.  
Willacy.

Absent.

Grinnan.  
Hudspeth.  
Masterson.

Mayfield.  
Terrell.  
Veale.

Absent—Excused.

Paulus.

Question then recurred on the engrossment of the bill, and .

Senator Looney offered the following amendment:

Amend the bill by striking out of line 28, page 5, the language, "in this State," and insert in lieu, "in the judicial district where the defendant resides or in the district court of Travis county, Texas."

Senator Smith offered the following substitute for the amendment:

Amend Article 5124e by striking out all of said article after the words "provided for," in line 27, page 5, and insert in lieu thereof the following: "Shall be brought in the district court of the county of such officer's residence, and such suit shall be brought by the Attorney General of the State, or under his direction, but in all such cases the venue of such suit may be changed to Travis county, Texas, upon application therefor made by the Attorney General, supported by his affidavit that he does not believe that the State can obtain a fair and impartial trial in the county where the suit has been brought."

SMITH,  
MEACHUM,  
GRIGGS.

The substitute was adopted by the following vote:

Yeas—16.

|             |           |
|-------------|-----------|
| Alexander.  | Kellie.   |
| Barrett.    | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Senter.   |
| Faust.      | Skinner.  |
| Griggs.     | Smith.    |
| Harbison.   | Watson.   |
| Harper.     | Willacy.  |

Nays—8.

|             |         |
|-------------|---------|
| Brachfield. | Looney. |
| Green.      | Murray. |
| Greer.      | Stokes. |
| Grinnan.    | Stone.  |

Absent.

|            |            |
|------------|------------|
| Glasscock. | Masterson. |
| Holsey.    | Terrell.   |
| Hudspeth.  | Veale.     |

Absent—Excused.

Paulus.

The amendment, as substituted, was then adopted.

Senator Murray offered the following amendment to the substitute, which was adopted:

Amend the substitute by adding after the word "affidavit" the following: "Or the affidavit of the county attorney or State Revenue Agent."

Senator Murray offered the following amendment, which was adopted:

Amend the caption by adding after the word "act," in line 6, page 1, the following: "Amending Chapter 3, Title XCIV, Articles 5123 and 5124, Revised Civil Statutes of the State, and adding thereto Articles 5124a, 5124b, 5124c, 5124d, 5124e, 5124f and 5124g and."

Senator Senter offered the following amendment:

Amend Section 1, Article 5123, page 1, of the printed bill, by striking out all after the word "property," in line 22, down to and including the word "property," in line 32, on the same page, and inserting in lieu thereof the following words: "Such officer shall list the same according to the value of such property on the market at the time of its rendition as he shall find the same to be from the facts within his knowledge or brought to his attention."

(Senator Glasscock in the chair.)

Senator Murray moved to table the amendment, which motion to table prevailed.

Senator Harbison offered the following amendment:

Amend the bill by striking out all of the words after "representatives," in line 27, page 3, down to and including the word "property," in line 28, and insert therein the following: "A true rendition of said property." By striking out "market or last value" wherever it appears in the bill and insert in place thereof "taxable value."

(Lieutenant Governor Davidson in the chair.)

On motion of Senator Stone, the amendment was tabled.

Senator Glasscock offered the following amendment, which was adopted:

Amend Article 5124a, page 3, line 30, strike out the word "mall," and insert the word "make."

Senator Smith offered the following amendment, which was adopted:

Amend Article 5124e, page 5 of the bill as amended, by striking out the words "State Revenue Agent," and insert "Assistant Attorney General."

Senator Alexander offered the following amendment, which was adopted:

Amend the bill by inserting the words "reasonable cash market" before the word "value," line 25, page 1, of the printed bill.

Senator Alexander offered the following amendment, which was adopted:

Amend the bill by inserting the words "reasonable cash" before the word "market," in line 27, page 1, of the printed bill.

Senator Alexander offered the following amendment, which was adopted:

Amend the bill by striking out the word "fair," in line 29, page 1 of the printed bill, and inserting the words "reasonable cash."

Senator Glasscock offered the following amendment, which was adopted:

Amend by adding after the words "Constitution," Section 5124c, page 5, line 1, the following words, "and laws," and further amend by adding after the word "contribution," Article 5124b, page 4, line 2, the following words, "and laws."

#### SIMPLE RESOLUTION.

By Senator Stone:

Resolved, That the Secretary of the Senate be allowed postage for the Special Session not to exceed in amount \$2.50, to be paid out of the contingent expense fund."

The resolution was read, and adopted.

#### EXCUSED.

On motion of Senator Barrett, Senator Cunningham was excused from attendance upon the Senate for Monday, Tuesday and Wednesday on account of important business.

On motion of Senator Stone, Senator Stokes was excused from attendance upon the Senate for Monday, Tuesday and Wednesday on account of important business.

On motion of Senator Green, Senator Watson was excused from attendance

upon the Senate for yesterday on account of important business.

On motion of Senator Murray, Senator Veale was excused from attendance upon the Senate for all of this week on account of important business.

### RECESS.

On motion of Senator Smith, the Senate recessed until 2 o'clock today.

### AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

### SENATE BILL NO. 4.

Action recurred on Senate bill No. 4, the question being on the engrossment of the bill, and

Senator Smith offered the following amendment:

Amend the bill by adding thereto the following as Section 2:

"Sec. 2. The commissioners courts of the several counties in the State, sitting as a board to equalize and fix the value of property for assessment and taxation shall, in arriving at such valuation, take into consideration the average gross and net revenues, or either, arising from the use of such property, or by the usual and ordinary management thereof the same could be made to yield."

Pending discussion on the amendment,

Senator Murray moved the previous question on the amendment and the bill, which motion being duly seconded was so ordered.

Action recurred on the amendment by Senator Smith, which was lost by the following vote:

### Yeas—5.

|           |         |
|-----------|---------|
| Barrett.  | Looney. |
| Faust.    | Smith.  |
| Harbison. |         |

### Nays—19.

|             |           |
|-------------|-----------|
| Alexander.  | Mayfield. |
| Brachfield. | Meachum.  |
| Chambers.   | Murray.   |
| Cunningham. | Senter.   |
| Green.      | Skinner.  |
| Griggs.     | Stokes.   |
| Grinnan.    | Stone.    |
| Harper.     | Watson.   |
| Holsey.     | Willacy.  |
| Kellie.     |           |

Present—Not Voting.

Glasscock.

Absent.

|            |          |
|------------|----------|
| Greer.     | Terrell. |
| Hudspeth.  | Veale.   |
| Masterson. |          |

Absent—Excused.

Paulus.

The bill was read second time, and ordered engrossed by the following vote:

### Yeas—21.

|             |           |
|-------------|-----------|
| Alexander.  | Looney.   |
| Brachfield. | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Murray.   |
| Glasscock.  | Senter.   |
| Green.      | Skinner.  |
| Griggs.     | Stokes.   |
| Grinnan.    | Stone.    |
| Harper.     | Watson.   |
| Holsey.     | Willacy.  |
| Kellie.     |           |

### Nays—4.

|          |           |
|----------|-----------|
| Barrett. | Harbison. |
| Faust.   | Smith.    |

Absent.

|           |            |
|-----------|------------|
| Greer.    | Masterson. |
| Hudspeth. | Terrell.   |

Absent—Excused.

|         |        |
|---------|--------|
| Paulus. | Veale. |
|---------|--------|

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

### Yeas—22.

|             |           |
|-------------|-----------|
| Alexander.  | Looney.   |
| Brachfield. | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Murray.   |
| Glasscock.  | Senter.   |
| Green.      | Skinner.  |
| Griggs.     | Smith.    |
| Grinnan.    | Stokes.   |
| Harper.     | Stone.    |
| Holsey.     | Watson.   |
| Kellie.     | Willacy.  |

### Nays—3.

|          |           |
|----------|-----------|
| Barrett. | Harbison. |
| Faust.   |           |

Absent.

|           |            |
|-----------|------------|
| Greer.    | Masterson. |
| Hudspeth. | Terrell.   |

## Absent—Excused.

Paulus.

Veale.

The bill was read third time, and passed by the following vote:

## Yeas—21.

|             |           |
|-------------|-----------|
| Alexander.  | Looney.   |
| Brachfield. | Mayfield. |
| Chambers.   | Meachum.  |
| Cunningham. | Murray.   |
| Glasscock.  | Senter.   |
| Green.      | Skinner.  |
| Griggs.     | Stokes.   |
| Grinnan.    | Stone.    |
| Harper.     | Watson.   |
| Holsey.     | Willacy.  |
| Kellie.     |           |

## Nays—4.

|          |           |
|----------|-----------|
| Barrett. | Harbison. |
| Faust.   | Smith.    |

## Absent.

|           |            |
|-----------|------------|
| Greer.    | Masterson. |
| Hudspeth. | Terrell.   |

## Absent—Excused.

Paulus.

Veale.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 6, A bill to be entitled "An Act making appropriation to pay the per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor."

Senate bill No. 7, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 6, "An Act making appropriation to pay the per diem of members and per diem of officers and employes of the First Called Session of the Thirtieth Legislature of the State of Texas, convened April 12, 1907, by proclamation of the Governor."

Senate bill No. 7, "An Act making appropriation to defray the contingent expenses of the First Called Session of the Thirtieth Legislature of the State of Texas, convened by proclamation of the Governor."

## EXCUSED.

On motion of Senator Kellie, Senator Masterson was excused from attendance upon the Senate for this week on account of important business.

On motion of Senator Chambers, Senator Hudspeth was excused from attendance upon the Senate for this week on account of important business.

## ADJOURNMENT.

On motion of Senator Griggs, the Senate, at 4:30 o'clock, adjourned until tomorrow morning at 9 o'clock.

## APPENDIX.

(Floor Report.)

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State of Texas, relating to verdicts of juries in misdemeanor cases in the district court,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be printed in the Journal.

Looney, Chairman; Alexander, Meachum, Greer, Stokes.

• Following is the bill in full:



S. B. No. 17. By Alexander and Senter.

A BILL

To Be Entitled

An Act to amend Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State of Texas, relating to verdicts of juries in misdemeanor cases in the district court.

Be it enacted by the Legislature of the State of Texas:

That Article 745, Title VIII, Chapter 6, Code of Criminal Procedure of the State of Texas, be amended so as to hereafter read as follows:

"Section 1. Article 745. In cases of misdemeanor, in the district court, where one or more of the jurors have been discharged from serving after the cause has been submitted to them, if there be as many as nine of the jurors remaining, those remaining may render and return a verdict, and provided further, that where not less than nine jurors concur in the verdict in such cases they shall render and return a verdict, but in all such cases the verdict must be signed by each one of the jurors rendering it.

"Sec. 2. The fact that there is need for reform in the judicial procedure of this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

(Floor Report.)

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 31, A bill to be entitled "An Act to simplify trials for the contest of local option elections and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in this act, that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Looney, Chairman; Meachum, Stokes, Cunningham, Barrett, Alexander, Smith.

(Floor Report.)

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 9, A bill to be entitled "An Act to amend Article 762, Chapter 6, Title VIII, of the Code of Criminal Procedure of Texas, relating to the prosecution of an offense which includes within its lesser degrees, and providing that if a person be convicted of a lower degree of the offense than for which he is indicted, and a new trial be granted such person or the judgment be set aside for any cause, the verdict upon the first trial shall not be considered an acquittal of the higher degree of the offense, but upon a second trial the trial shall be de novo, and he may be convicted of the offense charged in the indictment or any degree of the offense,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass.

Looney, Chairman; Smith, Greer, Stokes, Barrett, Meachum, Alexander.

(Floor Report.)

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 19, A bill to be entitled "An Act to amend Article 1043, Revised Statutes, and to add thereto Article 1043a, regulating the certification of questions of law by the Courts of Civil Appeals to the Supreme Court in cases of conflict of decisions and in cases of disagreement of the judges of a Court of Civil Appeals, and repealing Articles 1040 and 1041, Revised Statutes, and also repealing an act of the Twenty-sixth Legislature, approved May 9, 1899, entitled 'An Act to define the powers and duties of the Courts of Civil Appeals of the several Supreme Judicial Districts of the State of Texas, where there is; or may be, a conflict of opinion by any of the said Courts of Civil Appeals on a question of law involved in any cause pending before said courts, and prescrib-

ing the duties of the Supreme Court of the State of Texas in such cases, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Grinnan, Green, Griggs, Meachum, Skinner, Chambers.

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, A bill to be entitled "An Act providing for the appointment of court bailiffs by the judges of the district courts in certain counties of this State; prescribing their qualifications, the oath to be taken by them, their compensation, their duties and providing suitable punishment for the violation of the duties imposed upon them, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation, defining duties of assessors and deputy assessors, prescribing rules for determining the value of property, prescribing rules to govern commissioners courts when sitting as a board of equalization, prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 10, A bill to be en-

titled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act to amend Article 762, Chapter 6, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, affecting the verdict in criminal causes so that said Article 762 may hereafter read as follows,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 12, A bill to be entitled "An Act to amend Article 762, Chapter 6, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, affecting the verdict in criminal causes so that said Article 762 may hereafter read as follows,"

Have had the same under consideration, and I report same back to the Senate with the recommendation that it do not pass.

CHAMBERS.

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 5, A bill to be entitled "An Act to amend Article 1318, Revised Civil Statutes of the State of Texas, adopted 1895,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, providing for the order of a special venire in any district court in a criminal action for a capital offense, so that the said Articles 643 and 644 may hereafter be as follows,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment:

By striking out in the last two lines of the bill the following: "Which motion may be granted or refused in the discretion of the trial court."

STONE, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, April 17, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 2, Title VIII, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, providing for the order of a special venire in any district court in a criminal action for a capital offense, so that the said Articles 643 and 644 may hereafter be as follows,"

Have had the same under consideration, and I report it back to the Senate with the recommendation that it do not pass.

CHAMBERS.

Committee Room,  
Austin, Texas, April 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to amend Article 975, Chapter 8, Title XXVII, of the Revised Civil Statutes of Texas, concerning judgments of the Supreme Court, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

#### SIXTH DAY.

Senate Chamber,

Austin, Texas,

Friday, April 19, 1907.

The Senate met pursuant to adjournment,

Lieutenant Governor Davidson presiding.

Roll call, no quorum present, the following Senators answering to their names:

|             |          |
|-------------|----------|
| Alexander.  | Holsey.  |
| Barrett.    | Kellie.  |
| Brachfield. | Looney.  |
| Chambers.   | Meachum. |
| Cunningham. | Skinner. |
| Green.      | Smith.   |
| Griggs.     | Stone.   |
| Grinnan.    | Willacy. |
| Harper.     |          |

Absent.

|            |          |
|------------|----------|
| Faust.     | Murray.  |
| Glasscock. | Senter.  |
| Greer.     | Stokes.  |
| Harbison.  | Terrell. |
| Mayfield.  | Watson.  |

Absent—Excused.

|            |         |
|------------|---------|
| Hudspeth.  | Paulus. |
| Masterson. | Veale.  |

Senator Griggs moved a call of the Senate for the purpose of securing a quorum, which call was duly seconded, and was so ordered.

The roll was called, the following Senators answering to their names:

|             |          |
|-------------|----------|
| Alexander.  | Holsey.  |
| Barrett.    | Kellie.  |
| Brachfield. | Looney.  |
| Chambers.   | Meachum. |
| Cunningham. | Skinner. |
| Green.      | Smith.   |
| Griggs.     | Stone.   |
| Grinnan.    | Willacy. |
| Harper.     |          |

Absent.

|        |            |
|--------|------------|
| Faust. | Glasscock. |
|--------|------------|